

### REMARKS:

Claims 1-44 were previously cancelled. Claims 45-64 are now pending. Independent claims are claims 45, 55 and 64.

In the Official Action dated October 10, 2008, the Examiner rejected claims 45-64 under 35 U.S.C. 103(a) as being unpatentable over Herron et al (U.S. Patent No. D295,011) in view of Mosley (U.S. Patent No. D397,018). In response to the rejection and in view of the interview, the Applicant has amended independent claims to show that the **“tapered front side and tapered rear end are situated on said axis at the center of said body”**.

During the November 13<sup>th</sup> interview, the Applicant’s counsel and the Examiner also agreed that Herron and Mosley, either alone or in combination, do NOT disclose, teach or suggest the following:

(1) **“(an elongated body having)... tapered front side and tapered rear end are situated on said axis at the center of said body.”** (as shown in independent claims 45, 55 and 64);

(2) **“a thumb positioning section .... comprising a concave indentation, said thumb positioning section sloping downwardly from said indentation towards said opposing sides of said body, said thumb positioning section comprising a thumb rest section.”** (as shown in independent claims 45, 55 and 64);

(3) **“an encircable section situated adjacent said rear end of said body, said section being generally rounded in its circumference.”** (as shown in independent claim 55); and

(4) **“tapered front and rear ends extend outwardly toward one another and then tapers adjacent said thumb positioning section” and/or “said index finger rest section”** (as shown in independent claim 55).

In addition, it is again noted that *Herron and Mosley are not properly combinable because they teach away from one another*. Herron and Mosley relate to two distinctively different handle designs and have features which would conflict if combined.

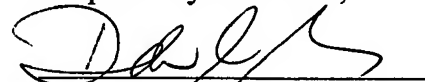
Furthermore, *the combination of Herron and Mosley would destroy their intended function*. See *In re Gordon* (references are not properly combinable or modifiable if their intended function is destroyed). The Applicant's counsel and Examiner agreed that the distinctive features of Herron which relate to its intended function would be destroyed if combined with Mosley.

In view of the actions taken and arguments presented, it is respectfully submitted that the present invention is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

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Respectfully submitted,



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